

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

VILLAGE OF FOX RIVER GROVE, ILLINOIS,)

Petitioner,)

v.)

UNION PACIFIC RAILROAD COMPANY (UP))
and the STATE OF ILLINOIS, DEPARTMENT OF)
TRANSPORTATION (IDOT),)

Respondents.)

Docket No. T04-0075

Petition to 1) widen the existing concrete pavement)
on US Route 14 (Northwest Highway) at Algonquin)
Road to the south to provide a 150' right turn lane)
for eastbound to southbound right turning vehicles;)
2) reconfigure the existing train station parking lot)
on the south side of US Route 14; 3) widen the radius)
of the southwest corner of the intersection of US Route)
14 and Algonquin Road to provide a wider pavement)
area for right turns by single-unit trucks and buses;)
4) relocate traffic and railroad signal posts and)
gate arm behind proposed curb and gutter; 5) replace)
wiring for said signal posts; 6) move the existing)
conduit and wiring for the traffic signal interconnect)
with Lincoln Avenue along the right turn lane and)
right turn taper length; 7) replace the detector)
loops on the west leg at the US Route 14 and)
Algonquin Road intersection; and 8) install a longer)
crossing gate at the intersection of US Route 14)
and Algonquin Road.)

MOTION FOR EXTENSION OF TIME TO FILE PETITIONER'S OPENING BRIEF

NOW COMES Petitioner, Village of Fox River Grove ("Village"), by and through its attorneys, Peter M. Rosenthal, Judith N. Kolman and Rosenthal, Murphey & Coblenz, and respectfully moves for an extension of time to file its initial brief and proposed order to August 15,

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2005 and that the schedule of dates for the filing of the other briefs in this proceeding be revised so that the briefs are due as follows:

Respondents' Briefs	Due: September 19, 2005
Petitioner's Reply Brief	Due: October 3, 2005
Respondent's Surreply	Due: October 17, 2005

In support of this Motion, Petitioner states as follows:

1. By order of the Commission, dated May 4, 2005, the Village is to file its brief and proposed order by July 25, 2005.

2. On or about May 18, 2005, the Commission entered a subsequent order, by which the Commission Staff and the parties were ordered to participate in a joint settlement conference.

3. On or about June 7, 2005, the parties met, without their attorneys, to discuss settlement. The settlement discussions concerned primarily whether the intersection of Algonquin Road and U.S. Route 14, north of the Union Pacific Railroad Tracks, could be re-designed to more safely accommodate trucks and other vehicles which have a wheelbase of fifty-five feet ("WB-55 Vehicles"). No agreement was reached as to how and whether the intersection could be redesigned to more safely accommodate WB -55 Vehicles and as a result the parties could not agree upon a proposed settlement.

4. On or about June 23, 2005, the Village filed the Joint List of Contested Issues with the Commission. The list demonstrates that there are a number of issues that will need to be resolved by the Commission.

5. On May 1, 2005, following the evidentiary hearings that were held in this proceeding on April 28 and April 29, 2005, a new Village President and two new Village Trustees took office

in the Village of Fox River Grove. The newly constituted Village Board of the Village of Fox River Grove is undertaking a re-evaluation as to whether it continues to be in the Village's interest to expend Village funds and devote staff time to pursuing approval of the installation of a right turn lane for eastbound traffic on U.S. Route 14 that would be turning southbound onto Algonquin Road.

6. The Village Board's next scheduled Board meeting is July 21, 2005, at which time it is anticipated that the Fox River Grove Village Board will make a decision as to whether the Village will continue to pursue ICC approval of the proposed installation of the right turn lane on U.S. Route 14 and the modifications that will need to be made to the Union Pacific Railroad's Algonquin Road grade crossing if the right turn lane is installed.

7. Because the Village's brief and proposed order is due four (4) days after the Village Board meets, the Village is requesting an extension of time to August 15, 2005 to file its brief and proposed order, and that the schedule for the submission of the other briefs in this proceeding be revised as follows:

Petitioner's Brief	Due: August 15, 2005
Respondents' Briefs	Due: September 19, 2005
Petitioner's Reply Brief	Due: October 3, 2005
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The reason for this request is to allow the Village's attorneys sufficient time after July 21, 2005 to prepare and submit a brief on behalf of the Village, should the President and Board of Trustees of the Village decide that it continues to be in the Village's interest to request ICC approval of the proposed right turn lane. Otherwise, if the July 25, 2005 date for the Village to submit its brief remains in place, work on the brief will need to commence prior to July 25, 2005 and as a result the

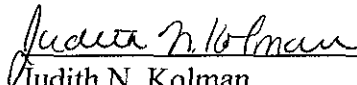
Village may end up in a situation where it expends funds to pay for the preparation of a brief, only to have a decision made that the brief will not be submitted, because the Village's President and Trustees end up deciding on July 21, 2005 that the Village will not continue to pursue ICC approval.

8. This Motion is not brought for the purpose of delay, but rather brought for the purpose of not spending the Village's public funds unnecessarily if the corporate authorities of the Village determine on July 21, 2005 not to continue to seek ICC approval of the proposed right turn lane.

9. This is the Village's first request for an extension of time.

WHEREFORE, Petitioner, Village of Fox River Grove, requests this Honorable Commission grant an extension of time to and including August 15, 2005 to file its Opening Brief and Proposed Order and that the briefing schedule in this proceeding be revised as set forth in Paragraph 7 of this motion.

Respectively submitted,
Village of Fox River Grove


Judith N. Kolman
Rosenthal, Murphey & Coblentz
Attorneys for the Village
of Fox River Grove

Peter M. Rosenthal
Judith N. Kolman
Rosenthal, Murphey & Coblentz
30 North LaSalle Street, Ste. 1624
Chicago, IL 60602
Tel: 312-541-1070
Fax: 312-541-9191

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CERTIFICATE OF SERVICE

TO: Dave Lazarides, Processing Director
Transportation Division
Illinois Commerce Commission
527 East Capital Avenue
Springfield, IL 62701

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil procedure,
the undersigned certifies as true that she served the **MOTION FOR EXTENSION OF TIME TO**

FILE PETITIONER'S OPENING BRIEF upon the following by placing copies of same into envelopes correctly addressed as aforesaid and bearing sufficient postage prepaid and depositing same in the U.S. Mail at 30 North LaSalle Street, Chicago, Illinois 60602 before 5:00 p.m. on June 28, 2005:

Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive
Suite 1920
Chicago, IL 60606

Victor Modeer, Director
Division of Highways
Illinois Department of Transportation
2300 S. Dirksen Parkway Room 300
Springfield, IL 62764

CT Corporation System
ATTN: Jeff Harpring
Union Pacific Railroad Company
208 South LaSalle Street
Chicago, IL 60604

Dan Powers
Illinois Commerce Commission
527 E. Capitol Street
6th floor
Springfield, IL 62701

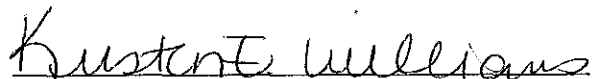
Dave McKernan
Union Pacific Railroad Co.
100 North Broadway, Suite 1500
St. Louis, MO 63102

Thomas Benson
Illinois Department of Transportation
2300 S. Dirksen Parkway, Suite 300
Springfield, IL 62764

and by personally delivering a copy to the following individuals before 5:00 p.m. on June 28, 2005:

Diana Collins
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

Bernadette Cole
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601



PETER M. ROSENTHAL
JUDITH N. KOLMAN
ROSENTHAL, MURPHEY & COBLENTZ
30 North LaSalle Street
Suite 1624
Chicago, Illinois 60602
Phone: 312-541-1070
FAX: 312-541-9191